REMARKS

In an Office Action dated September 21, 2004, the Examiner rejects claims 1-37 (all pending claims). In response to the Office Action, Applicant respectfully traverses the rejections. Claims 1-37 remain in the application. In light of the following arguments Applicant respectfully requests that this application be allowed.

The Examiner has responded that the Applicant's arguments are not persuasive. The Examiner is reminded that the Examiner must give the claim the meaning of its recited limitations. In the claims, the limitation recited is "not ringing one or more candidate calls if said candidate calls will exceed power limit." The Sugawara reference teaches a traffic monitor that allows a standby ring generator to ring call when power of the normal ring generator is exceeded. Thus, the limitation is not met. If the Examiner maintains that the call is not rung until a standby unit is incorporated, Applicant demands that the Examiner show the Applicant where Sugawara teaches this assertion. Otherwise, the Examiner must remove the rejection.

Thus, Applicant sets forth the arguments in full again for the Examiner's consideration. Applicant will gladly respond to any Examiner's comments when the assertions are supported by evidence as required by the MPEP and case law.

In the Office Action, the Examiner rejects claim 1 under §35 U.S.C. 102(b) and 103(a) as being anticipated by U.S. Patent number 5,367,567 issued to Sugawara (Sugawara). To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover,

the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). The **test for anticipation** is symmetrical to the test for infringement and has been stated as: "That which would literally infringe [a claim] if later in time anticipates if earlier than the date of invention." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *Connell v. Sears Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. 1931, 1938 (Fed. Cir. 1983). Sugawara does not teach all of the claimed elements of claim 1.

Claim 1 recites determining, by the router, whether ringing the one or more candidate calls will exceed a predetermined power limit, ringing said one or more candidate calls if the ringing of the call will not exceed the limit and not ringing the one or more candidate calls if the ringing of the calls will exceed the power limits. Sugawara does teach determining whether a call causes a ring generator to exceed a limit. However, Sugawara does not teach the third element of not ringing the calls if the limit is exceeded. Instead, Sugawara teaches that when the capacity of a ring generator is exceeded, ringer signals are sent to the receiving telephone by a stand-by ring generator. See Col. 4, lines 26-30. Sugwara deals with a system where there is not a limited power supply and solution to exceeding a capacity of a ring generator may be solved by using an extra ring generator. The present invention presents a solution where there is a limited power supply and another ring generator cannot be added because of power concerns. Thus, the invention in claim 1 does not ring calls if the power is exceeded. There is no mention anywhere in Sugawara of not ring calls when power is exceeded. Thus, Sugwara does not teach each and every claimed element.

Therefore, Applicant respectfully requests that the rejection of claim 1 be removed and claim 1 be allowed.

Claims 2-10 are dependent upon claim 1. Thus, since claim 1 is allowable, claims 2-10 are allowable. Therefore, Applicant respectfully requests that claims 2-10 be allowed.

The Examiner has rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over Sugawara. The Examiner states on page 2, last paragraph through page 3, first paragraph that "Sugawara teaches the claimed method and router as shown above, however the queuing aspect of the claim is not disclosed. Haguchi et al. teach that such is old in the art." Applicant does not understand this rejection of claim 11. Claim 11 like claim 1 merely claims the ringing of the one or more candidate calls if the power limit is not exceeded and not ringing the calls if the power limited is exceeded. There is no queuing being performed in claim 11. Thus, this rejection cannot be maintained. For this reason Applicant respectfully requests that the rejection of claim 11 be removed and claim 11 be allowed.

Since claim 11 is allowable, claims 12-19 are allowable as being dependent upon an allowable independent claim. Thus, Applicant respectfully requests that rejections of claims 12-19 be removed and claims 12-19 be allowed.

Claim 20 is rejected for the same reasons as claim 1 and claims the means for performing the method of claim 1. Therefore claim 20 is allowable for at least the same

reasons as claim 1. Therefore, Applicant respectfully requests that the rejection of claim 20 be removed and claim 20 be allowed.

Claims 21-27 are dependent upon claim 20. Therefore, claims 21-27 are allowable as being dependent upon an allowable independent claim. Therefore, Applicant respectfully requests that the rejections of claim 21-27 be removed and claims 21-27 be allowed.

Claim 28 claims software that performs the method of claim 1. Thus, claim 28 is allowable for at least the same reasons as claim 21. Therefore, Applicant respectfully requests that the rejection of claim 28 be removed and claim 28 be allowed.

Claims 29-37 are dependent upon claim 28. Therefore, claims 29-37 are allowable as being dependent upon an allowable independent claim. Therefore, Applicant respectfully requests that the rejections of claim 29-37 be removed and claims 29-37 be allowed.

If the Examiner has any questions regarding this response or the application in general, the Examiner is invited to telephone the undersigned at 775-586-9500.

Respectfully submitted,
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